



HEALTH AFFAIRS



Protected Health Information Management Tool (PHIMT)

Update Session: Complaint Process

June 2005

TMA Privacy Office

*This document contains proprietary information and will be handled within Government regulations.
It is intended solely for the use and information of the Military Health System.*

HIPAA Complaints

Agenda

- Background of HIPAA Complaints
- PHIMT Complaint Process
- Documentation

Training Objectives

- Upon completion of this course, you will be able to:
 - Describe the background of HIPAA complaints
 - Understand how a complaint is processed using the PHIMT
 - Maintain appropriate documentation

Background of HIPAA Complaints

Background of HIPAA Complaints

Objectives

- Upon completion of this lesson, you will be able to:
 - Identify who has the right to complain and why
 - Determine what is/is not a HIPAA complaint

Background of HIPAA Complaints

Right to Complain

- All beneficiaries have the right to complain if they believe their privacy rights have been violated or if they feel the covered entity has failed to meet their responsibilities
- These rights, according to the Notice of Privacy Practices (NoPP), include:
 - Right to Inspect and Copy
 - Right to Request Restrictions
 - Right to Request Confidential Communications
 - Right to Request Amendment
 - Right to an Accounting of Disclosures
 - Right to Obtain a Copy of the NoPP

Background of HIPAA Complaints

What is/is not a valid HIPAA Complaint

- Most beneficiaries do not understand what constitutes a valid HIPAA Complaint under the rule
- Privacy Officer will need to critically read the complaint to determine if it is a valid complaint
- Things to look for:
 - Beneficiary distributed information (No longer PHI)
 - Was information distributed as part of TPO?
 - Was information distributed based on 14 Uses and Disclosures, was disclosure recorded?
 - Is reason for complaint HIPAA based (privacy/security) or is it a personnel dispute?
- Patient Perception
 - We must serve as the patient's advocate

Background of HIPAA Complaints

Summary

- You should now be able to:
 - Identify who has the right to complain and why
 - Determine what is/is not a HIPAA complaint

Complaint Process

Complaint Process

Objectives

- Upon completion of this lesson, you will be able to:
 - Understand the ways a complaint can be routed to a MTF
 - Identify the responsibilities of the investigating officer
 - Understand the investigation process
 - Identify the reporting process
 - Explain the timeframe of a complaint
 - Enter a complaint in the Protected Health Information Management Tool (PHIMT)

Complaint Process

Routing to Facility

- HIPAA gives patients the right to send their complaint to many levels:
 - HHS/CMS
 - TMA Privacy Office
 - MTF
- Complaints sent to HHS will be routed through TMA Privacy Office to Service to MTF
- Complaints sent to TMA Privacy Office will be routed through Service to MTF
- Complaints sent to Service will be routed to MTF
- Complaints received by MTF will be investigated and reported as required

Responsibilities of Investigating Officer

- Investigating Officer will typically be the Privacy/Security Officer at the MTF
- Investigating Officer responsible for:
 - Ensuring all information is verified
 - Documentation is kept in accordance with local policy
 - Timelines of investigation are met
 - That responses are provided to all necessary parties

Complaint Process

Investigation Process

- Check local/Service policy to see if incident is in violation
- Interview all involved parties
- Verify training status in the Learning Management System of personnel involved in the complaint
- If complaint related to disclosure, check PHIMT to ensure disclosure recorded
- Consult with legal counsel
- Consult with privacy/security specialist
- Determine if a violation occurred
- Must consider the following elements in their documentation:
 - Findings, facts, opinions and recommendations

Complaint Process

Reporting Process

- Enter results of investigation into the PHIMT
- Prepare response to party complaint was received from
- Prepare response to complainant, if complaint was received from another party

Timeframe of a Complaint

- Letter acknowledging receipt of complaint should be sent within 10 business days of receipt
- Result of investigation should be sent within 30 days of receipt
- If investigation not complete letter should be sent confirming need for more time
- If more time requested final investigation result should be sent within 60 days of initial receipt

Complaint Process

Entry into the PHIMT

- Individuals have the right to make a complaint concerning TMA's implementation and compliance of the rule
- You must provide that process and make it available
- You must document all complaints and their disposition
- You must not intimidate, threaten, coerce, discriminate against, or take other retaliatory action against any individual for exercising their rights or obligations

Complaint Process

Entry into the PHIMT

- Users are able to track complaints using the PHIMT
- Allows for easy tracking and documentation of complaints in one centrally managed application
- Users can quickly create complaint reports
- Disclosures and Complaints are stored and maintained in one location and are often related

Complaint Process

Recording a Complaint

1. Click on the Requests Tab



The screenshot displays the New Governance system interface. At the top, a header bar shows the date 'Monday, June 6, 2005' on the left and 'Patient Search' and 'Logoff' links on the right. Below this is a navigation bar with five tabs: 'Patient', 'User', 'Admin', 'Requests', and 'Requester'. A red arrow points to the 'Requests' tab, which is currently selected. On the left side of the interface, there is a sidebar with the text 'Current User: Scovel, Natalie US TMA' and a list of links: 'My Profile', 'My Requests', 'My Worklist', and 'Switch organizations'. The main content area is titled 'User Worklist' and contains a table with the following columns: 'Activity Instance ID', 'Request Session ID', 'Activity ID', 'Source', 'Patient', 'Requester', 'Status', and 'Creation Date'. Below the table, a message states 'There are no activities on your worklist'. At the bottom of the page, a footer contains the copyright information: 'Copyright © New Governance, Inc. 2000-2004, ALL RIGHTS RESERVED' and 'Version: 2.27 build [0915]'.

Monday, June 6, 2005 [Patient Search](#) [Logoff](#)

Patient User Admin **Requests** Requester

Current User:
Scovel, Natalie
US TMA

My Profile
My Requests
My Worklist

[Switch organizations](#)

User Worklist

Activity Instance ID	Request Session ID	Activity ID	Source	Patient	Requester	Status	Creation Date
There are no activities on your worklist							

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Version: 2.27 build [0915]

Complaint Process

Recording a Complaint

- The Create New Request Screen will appear
2. Click the Complaint radio button
 3. Click on the Next button

Monday, June 6, 2005 [Patient Search](#) [Logoff](#)

Patient User Admin Requests Requester

Current Request: None

Create New Request

Select Request Type

- ☒ Complaint
- ☐ Disclosure
- ☐ Disclosure Accounting

Next

Complaint Process

Recording a Complaint

- The Select Complainant screen will appear
4. Search for the patient (FMP-SSSN or the Patient's name)
 5. Click on the Search button

Monday, June 6, 2005 [Patient Search](#) [Logoff](#)

Patient / User / Admin / Requests / Requester

Current Request:
Complaint

■ Create New Request
■ Search for a Request

Select Complainant (1) **Complaint Details** (2) **Documents** (3) **Request Action** (4)

Patient Search


FMP-SSSN (Family Member Prefix and Sponsor SSN (in xx-xxx-xx-xxxx format))
 - - -

- OR -

by Name (Last) (First)
 Smith , Patty

- OR -

by System ID (the identifier created by this system for the person)



Complaint Process

Recording a Complaint

- The Patient Search Results screen will appear

6. Select the patient

Monday, June 6, 2005 Patient Search Logoff

Patient / **User** / **Admin** / **Requests** / **Requester**

Current Request:
Complaint

☐ Create New Request
☐ Search for a Request

Select Complainant (1) **Complaint Details** (2) **Documents** (3) **Request Action** (4)

Patient Search Results

Search Results (sorted by birth date)

ID	Name	SSN	Birth Date	Address
626	Smith, Patty	000000000	1950-01-10	76 Way St Where, AL 99999-7777

FMP-SSSN 21-100000000 (2005-02-10 to 2005-02-10)

☐ **Select**

Other options:
[Adjust your search criteria and try again.](#)
[Create a new Patient record.](#)

Complaint Process

Recording a Complaint

- The Complaint Details screen will appear
7. Complete the complaint details (complaint type, complaint date, subject, complaint description)

Monday, June 6, 2005 [Patient Search](#) [Logout](#)

Patient User Admin Requests Requester

Current Request: Complaint

Select Complainant Complaint Details Documents Request Action

① ② ③ ④

Create New Request
Search for a Request

Complaint Details

Complainant *(the person who is making the complaint)*
Name: Patty Smith

Complaint Type *(the type of complaint to create)*
Notice of Privacy Practices Complaint

Complaint Date *(the date the complaint was received in MM/DD/YYYY format)*
05/23/2005

Subject *(the subject of the complaint)*
Request for copy of medical record

Complaint Description *(the description of the complaint)*
The medical record contained information belonging to another beneficiary. Priscilla Smith's information was in Patty Smith's record. Patty Smith is concerned that her information could also be misplaced.

Outcome Type *(the type of outcome after complaint investigation)*
Not Selected

Complaint Process

Recording a Complaint

8. Scroll to the bottom of the screen and click on the Next button

The screenshot shows a web form for recording a complaint. It contains the following fields:

- Complaint Description** (the description of the complaint): A text area containing the text: "The medical record contained information belonging to another beneficiary. Priscilla Smith's information was in Patty Smith's record. Patty Smith is concerned that her information could also be misplaced."
- Outcome Type** (the type of outcome after complaint investigation): A dropdown menu currently showing "Not Selected".
- Outcome Date** (the date of the complaint outcome in MM/DD/YYYY format): A date input field with a calendar icon.
- Outcome Description** (the description of the complaint outcome): An empty text area.

At the bottom of the form are two buttons: "Back" and "Next". A large red arrow points to the "Next" button.

Complaint Process

Recording a Complaint

9. Type in the Document Title
10. Click on the browse button to attach the file
11. Click on the Next button

Monday, June 6, 2005 [Patient Search](#) [Logoff](#)

Patient **User** **Admin** **Requests** **Requester**

Current Request:
Complaint

Select Complainant (1) Complaint Details (2) **Documents (3)** Request Action (4)

☐ Create New Request
☐ Search for a Request

Documents

You may attach any document, with file size not exceeding 2M

FILE 1: Document Title *(enter this document's title)*

Complaint Form

Please select a file you wish to attach

C:\Documents and Settings\514708\Desktop\Mock Complaint.doc **Browse...**

FILE 2: Document Title *(enter this document's title)*

Please select a file you wish to attach

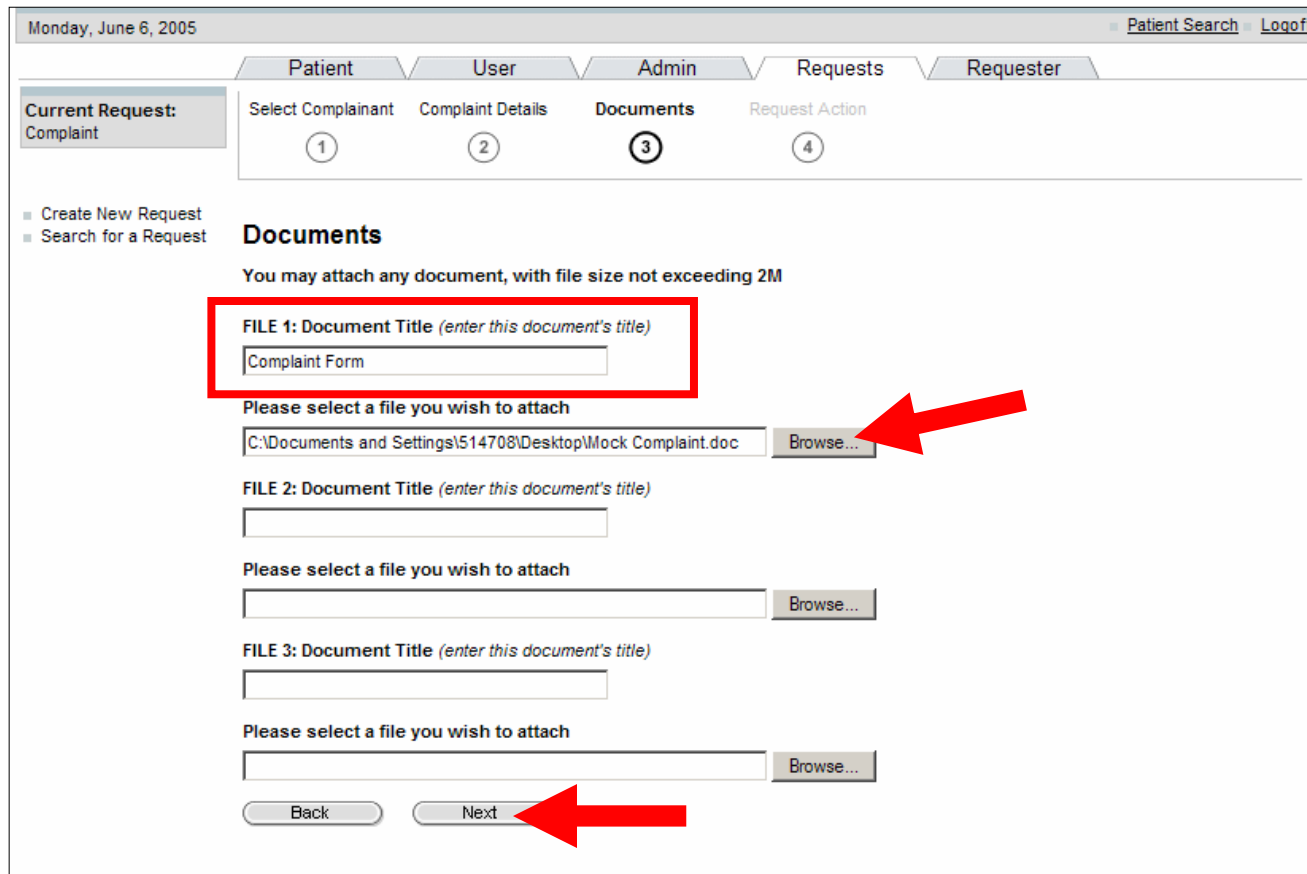
Browse...

FILE 3: Document Title *(enter this document's title)*

Please select a file you wish to attach

Browse...

Back **Next**



Complaint Process

Recording a Complaint

- The Request Action screen will appear
12. Select the appropriate action from the drop-down box
 13. Click on the Save button

Monday, June 6, 2005 [Patient Search](#) [Logoff](#)

Current Request: Complaint

Request Action

Patient
Name: Patty Smith
SSN #: 000000000
Birth Date: 01-10-1950
Address: 76 Way St, Where, AL 99999-7777

Details of the Request (requester's comments about the scope of this request)
The medical record contained information belonging to another beneficiary. Priscilla Smith's information was in Patty Smith's record. Patty Smith is concerned that her information could also be misplaced.

Approved Part (for partially approved requests, describe part of request that was approved)

Denied Part (for partially denied requests, describe part of request that was denied)

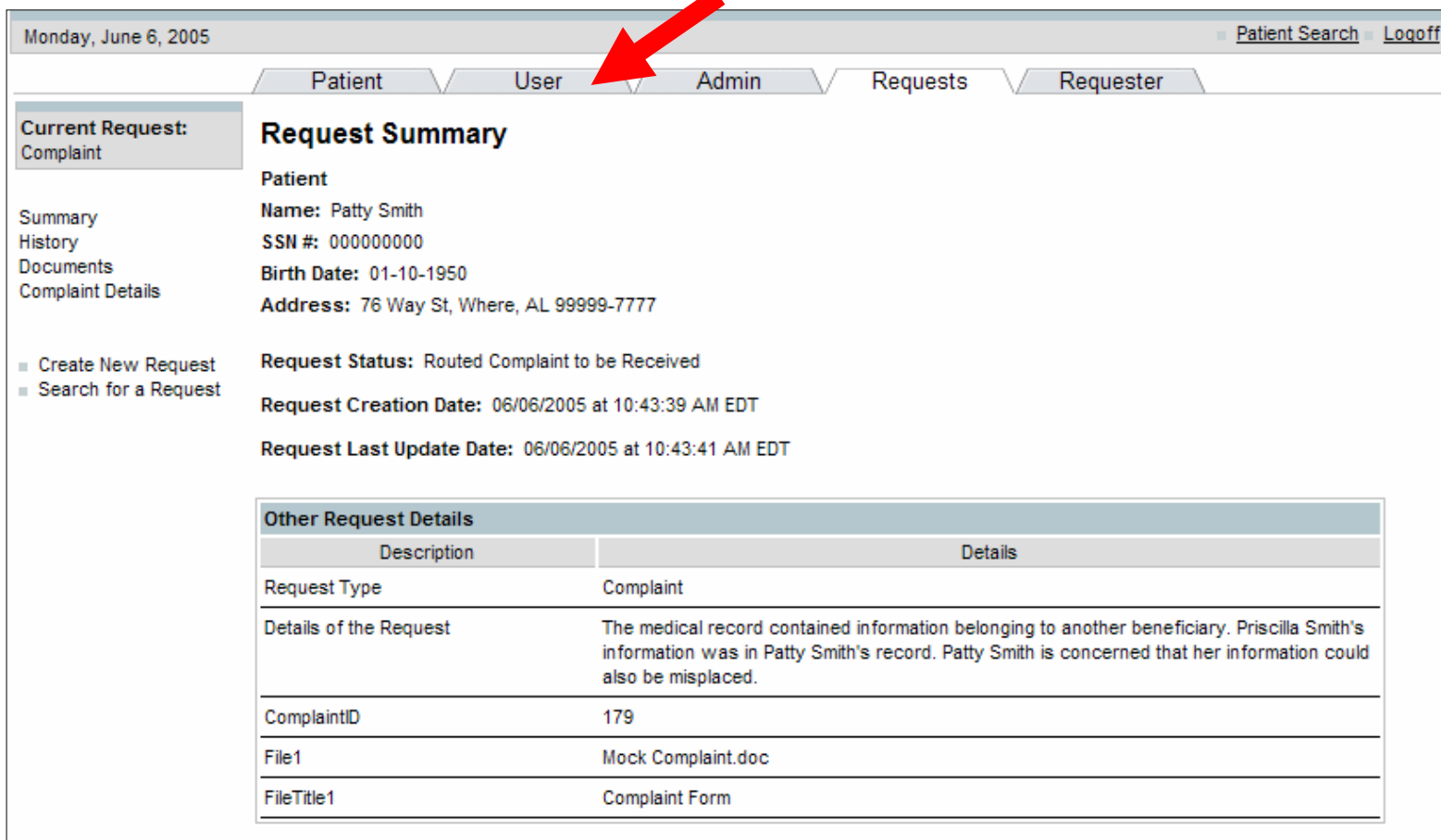
Action (action for this request)
Route to My Worklist

Complaint Process

Updating the Complaint

- The Request Summary Screen will display

1. Select the User Tab



Monday, June 6, 2005 [Patient Search](#) [Logout](#)

[Patient](#) **[User](#)** [Admin](#) [Requests](#) [Requester](#)

Current Request:
Complaint

Request Summary

Patient
Name: Patty Smith
SSN #: 000000000
Birth Date: 01-10-1950
Address: 76 Way St, Where, AL 99999-7777

Request Status: Routed Complaint to be Received
Request Creation Date: 06/06/2005 at 10:43:39 AM EDT
Request Last Update Date: 06/06/2005 at 10:43:41 AM EDT

[Summary](#)
[History](#)
[Documents](#)
[Complaint Details](#)

[Create New Request](#)
[Search for a Request](#)

Other Request Details	
Description	Details
Request Type	Complaint
Details of the Request	The medical record contained information belonging to another beneficiary. Priscilla Smith's information was in Patty Smith's record. Patty Smith is concerned that her information could also be misplaced.
ComplaintID	179
File1	Mock Complaint.doc
FileTitle1	Complaint Form

Complaint Process

Updating the Complaint

- The complaint will appear in the User Worklist
2. Select the Edit hyperlink

Monday, June 6, 2005 [Patient Search](#) [Logoff](#)

[Patient](#) [User](#) [Admin](#) [Requests](#) [Requester](#)

Current User:
Scovel, Natalie
US TMA

[My Profile](#)
[My Requests](#)
[My Worklist](#)

[Switch organizations](#)

User Worklist

	Activity Instance ID	Request Session ID	Activity ID	Source	Patient	Requester	Status	Creation Date
edit	663	474	Complaint to be Received		Smith, Patty		Action Pending	06/06/2005

Complaint Process

Updating the Complaint

- The Edit Activity Details screen will appear
3. Select Received from the Activity Status drop-down box
 4. Click on the Update button

Monday, June 6, 2005 [Patient Search](#) [Logoff](#)

[Patient](#) [User](#) [Admin](#) [Requests](#) [Requester](#)

Current Request:
Complaint

Edit Activity Details

Patient
Name: Patty Smith
SSN #: 000000000
Birth Date: 01-10-1950
Address: 76 Way St, Where, AL 99999-7777

Instructions
Complaint to be Received

Activity Status (new activity status code)
Received

Comments (enter details about this activity)

Request Session Details

Description	Details
Request Type	Complaint

Complaint Process

Updating the Complaint

- The Edit Request screen will appear
5. Select the User Tab

Monday, June 6, 2005 [Patient Search](#) [Logoff](#)

[Patient](#) [User](#) [Admin](#) [Requests](#) [Requester](#)

Current Request:
Complaint

Summary
History
Documents
Complaint Details

☐ Create New Request
☐ Search for a Request

Edit Request

Request Activity History								
Activity Instance ID	Request Session ID	Activity ID	Source	Patient Id	Requester Id	User	Status	Creation Date
664	474	Complaint Investigation		Smith, Patty		Natalie Scovel	Action Pending	06/06/2005
663	474	Complaint to be Received		Smith, Patty		Natalie Scovel	Received	06/06/2005

Request Session Details

Description	Details
Request Type	Complaint
Details of the Request	The medical record contained information belonging to another beneficiary. Priscilla Smith's information was in Patty Smith's record. Patty Smith is concerned that her information could also be misplaced.
ComplaintID	179
File1	Mock Complaint.doc
FileTitle1	Complaint Form

Letters and Attached Documents

Complaint Process

Updating the Complaint

- The User Worklist screen will appear
6. Select the Edit hyperlink

Monday, June 6, 2005 Patient Search Logoff

Patient User Admin Requests Requester

Current User:
Scovel, Natalie
US TMA

My Profile
My Requests
My Worklist

Switch organizations

User Worklist

User Worklist								
	Activity Instance ID	Request Session ID	Activity ID	Source	Patient	Requester	Status	Creation Date
edit	664	474	Complaint Investigation		Smith, Patty		Action Pending	06/06/2005

Complaint Process

Updating the Complaint

7. Select Completed from the Activity Status drop-down box
8. Click on the Update button

Monday, June 6, 2005 [Patient Search](#) [Logoff](#)

[Patient](#) [User](#) [Admin](#) [Requests](#) [Requester](#)

Current Request:
Complaint

Summary
History
Documents
Complaint Details

☐ Create New Request
☐ Search for a Request

Edit Activity Details

Patient
Name: Patty Smith
SSN #: 000000000
Birth Date: 01-10-1950
Address: 76 Way St, Where, AL 99999-7777

Instructions
Complaint Investigation

Activity Status (new activity status code)
Completed

Comments (enter details about this activity)

Request Session Details

Description	Details
Request Type	Complaint
Details of the Request	The medical record contained information belonging to another beneficiary. Priscilla Smith's information was in Patty Smith's record. Patty Smith is concerned that her information could also be misplaced.

Complaint Process

Updating the Complaint

- The Complaint Details screen will appear
9. Complete the Complaint Details (type, date, and description)
 10. Click on the Update button

Complaint Description *(the description of the complaint)*

The medical record contained information belonging to another beneficiary. Priscilla Smith's information was in Patty Smith's record. Patty Smith is concerned that her information could also be misplaced.

Outcome Type *(the type of outcome after complaint investigation)*

Substantiated

Outcome Date *(the date of the complaint outcome in MM/DD/YYYY format)*

06/06/2005

Outcome Description *(the description of the complaint outcome)*

Complaint was found to be validated. Information was misfiled by the personnel and medical records department. They have been retrained on HIPAA and counseled. Policies were reviewed and strengthened.

Update

Complaint Process

Updating the Complaint

11. Select Completed from the Activity Status drop-down box

12. Click on the Update button

Monday, June 6, 2005 [Patient Search](#) [Logoff](#)

[Patient](#) [User](#) [Admin](#) [Requests](#) [Requester](#)

Current Request:
Complaint

Summary
History
Documents
Complaint Details

[Create New Request](#)
[Search for a Request](#)

Edit Activity Details

Patient
Name: Patty Smith
SSN #: 000000000
Birth Date: 01-10-1950
Address: 76 Way St, Where, AL 99999-7777

Instructions
Complaint Investigation

Activity Status (new activity status code)
Completed

Comments (enter details about this activity)

[Update](#)

Request Session Details	
Description	Details
Request Type	Complaint

Complaint Process

Updating the Complaint

- The complaint activity will no longer appear in the User Worklist

Monday, June 6, 2005 [Patient Search](#) [Logoff](#)

[Patient](#) [User](#) [Admin](#) [Requests](#) [Requester](#)

Current User:
Scovel, Natalie
US TMA

[My Profile](#)
[My Requests](#)
[My Worklist](#)

[Switch organizations](#)

User Worklist

Activity Instance ID	Request Session ID	Activity ID	Source	Patient	Requester	Status	Creation Date
There are no activities on your worklist							

Complaint Process Summary

- You should now be able to:
 - Understand the ways a complaint can be routed to a MTF
 - Identify the responsibilities of the investigating officer
 - Understand the investigation process
 - Identify the reporting process
 - Explain the timeframe of a complaint
 - Enter a complaint in the Protected Health Information Management Tool (PHIMT)

HIPAA Complaints Documentation

- HHS plans to investigate as necessary
- Maintain thorough documentation:
 - Ensure policy and procedures outlines how documentation will be kept at MTF
 - Should include any conversations with complainant
 - Include proof of HIPAA training for involved parties
 - PHIMT report of recorded disclosures
 - Results of any meetings on complaint
 - Copy of final response letter

HIPAA Complaints Summary

- You should now be able to:
 - Describe the background of HIPAA complaints
 - Understand how a complaint is processed using the PHIMT
 - Maintain appropriate documentation

Resources

- DoD 6025.18-R, “DoD Health Information Privacy Regulation”, January 2003
- www.tricare.osd.mil/tmaprivacy/HIPAA.cfm
- privacymail@tma.osd.mil for subject matter questions
- hipaasupport@tma.osd.mil for tool related questions
- <http://www.tricare.osd.mil/tmaprivacy/Mailing-List.cfm> to subscribe to the TMA Privacy Office E-News
- Service HIPAA Privacy representatives